IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE ELEVENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 20776 of 2004

Between:

Middi Appa Rao, S/o.Simhachalam,
R/o.D.No.3-27, China Gantiyada Village,
Visakhapatnam.

..... PETITIONER

AND

1 The Superintendent of police, Visakhapatnam District.
2 The Sub-Inspector of police, Gajuwaka Law and order police station, Visakhapatnam.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents is ultra vires, illegal, arbitrary and unconstitutional and direct the respondents not to call the petitioner to the police station and harass him without any report against him.

Counsel for the Petitioner:MR.S.V.R.SUBRAHMANYAM

Counsel for the Respondent No.: GP FOR HOME

The Court at the stage of admission made the following :

ORAL ORDER :

The petitioner claims to be the owner of the property to an extent of 615 square yards of vacant site in T.S.No.86/15 of China Gantiyada Village, Gajuwaka Mandal, Visakhapatnam District, having purchased the same from one Smt. Salapu Somulamma. It is alleged that one Atchi Babu, who is the brother of the petitioner's vendor raised a dispute with regard to the title of the petitioner's vendor. It is also alleged that the said Atchi Babu influenced the respondents police officials and at his instance the respondents have been summoning the petitioner to the police station and making him to sit in the police station from morning to evening and pressurising him to part with the property purchased by him in favour of the said Atchi Babu. Hence, this writ petition seeking a declaration that the said action of the respondents in summoning the petitioner to police station and harassing him at the instance of the said Atchi Babu without there being any justifiable reason is arbitrary and illegal. The petitioner pleads that no crime is registered against him in connection with any offence.

Having heard the learned Counsel for the petitioner and the learned Government Pleader for Home appearing for the respondents and particularly in view of the plea of the petitioner that no crime is pending against him in connection any offence as on today, the Writ Petition is disposed of directing the respondents not to summon

the petitioner to the police station and not to interfere with his personal liberty without following due process of law.

The Writ Petition is accordingly disposed of. No costs.

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11th November, 2004.

Note- CC in 2 days.

(B/O)

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To

1 The Superintendent of police, Visakhapatnam District.
2 The Sub-Inspector of police, Gajuwaka Law and order police station, Visakhapatnam.

2. 2 CCs to G.P. for Home, High Court Buildings, High Court of A.P, Hyderabad.
OUT

3. 2 CD copies.